

DUNCAN MILLER

IBLA 78-215

Decided May 15, 1978

Appeal from decision of Utah State Office, Bureau of Land Management, requiring consent to a stipulation prior to issuance of oil and gas lease U-31450.

Affirmed.

- [1] National Environmental Policy Act of 1969: Generally -- Oil and Gas Leases: Stipulations -- Wild and Scenic Rivers Act

A stipulation prohibiting drilling and storage of oil on a portion of an oil and gas lease of 160 acres in order to protect an area of a river which is in a study section of the Wild and Scenic Rivers Act is reasonable, without consideration of other factors, where it leaves three-quarters of the lease open to regular activity.

Appearances: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Duncan Miller has appealed from a decision dated December 30, 1977, requiring acceptance of a stipulation prior to the issuance of oil and gas lease U-31450.

Miller was the successful drawee in a simultaneous oil and gas drawing held in November 1975. After some other proceedings, see Duncan Miller et al., 32 IBLA 289 (1977), the State Office required Miller to consent to a stipulation prohibiting drilling or storage activities within 1,320 feet of the Colorado River. The stipulation stated that the distance could be modified by the District Engineer, Geological Survey, with the concurrence of the District Manager, BLM.

It set out in detail why oil and gas operations on land adjoining the Colorado River in this area, which has been added to the study section of the Wild and Scenic Rivers Act, 16 U.S.C.

§ 217 et seq., could result in significant deterioration of the environment.

[1] Miller does not object to the necessity for a protective stipulation in the area. He says only that the distance, 1,320 feet, is too great because the lease contains only 160 acres. All other considerations aside, see Dell K. Hatch, 34 IBLA 274 (1978); Questa Petroleum Co., 33 IBLA 116 (1977), an examination of the plat showing the location of the land and river reveals his objection to be without merit. At its closest point, the northern boundary of the SW 1/4 sec. 21, supra, lies approximately 10 chains south of the river. Thus, the 1,320 foot proscription zone would impinge into the SW 1/4 by at most another 10 chains. Consequently, approximately 30 chains, or three-quarters of the SW 1/4 would be available from oil and gas activities. It is hard to see how the stipulation could materially affect Miller's operations.

Therefore pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Martin Ritvo  
Administrative Judge

We concur:

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Edward W. Stuebing  
Administrative Judge

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Frederick Fishman  
Administrative Judge

